EXHIBI	-	
DATE_	3/3	3/11
HB	470	

TESTIMONY OF JIM BROWN
ON BEHALF OF THE MONTANA WOOL GROWERS ASSOCIATION
IN SUPPORT OF HB 470
108 S. PACIFIC ST.
DILLON, MT 59725

INTRODUCTION

- Mr. Chairman, Members of the Committee
- On behalf of the members of the Montana Wool Growers Association, and on behalf of the \$3 billon dollar industry that is agriculture in Montana, I rise today in strong support of HB 470.
- As Representative Clark stated, this bill is at the request of the membership of the Montana Wool Growers Association.
- And, as Representative Clark stated, the purpose of this bill is to both to ensure
 that the wolf, as a species is properly managed, and to bring attention of the need
 for this legislature to adequately fund the Livestock Loss Reduction and
 Mitigation Board.

THE PROBLEM

- When the State of Montana studied the environmental consequences of adopting a
 wolf management, it recognized that the wolf had, was, and will kill livestock in
 Montana.
- Further, when adopting the wolf management plan, the State of Montana recognized that the presence of the wolf on Montana's landscape would have a negative financial impact on Montana's farming and ranching community decreasing Montana agriculture income and increasing the cost of doing business for Montana's farmers and ranchers.
- I have brought with me the relevant portions of the EIS for the Committee's review.
- The environmental review recognized that livestock owners would be the ones to suffer most directly from the push to increase wolf populations in Montana.
- In order to mitigate the damage done by the presence of the wolf, the Legislature created the Livestock Loss Reduction and Mitigation Board, whose mission is to minimize predation on livestock, to provide compensation for depredated livestock, and to prevent livestock-wolf conflicts.
- The mission of the board is sound and the Board, when it has adequate funding, carries out its mission well.
- However, as just noted, the problem is that the Board has, since its creation in 2007, been seriously underfunded.

- The problem of underfunding is being compounded by the fact that the number of wolf depredations has exploded over the last several years, to the point that where gray wolf kills on livestock in Montana occurred at the rate of an animal per day in 2009.
- The sharp increase in wolf depredations has depleted severely the resources of the Livestock Loss Reduction and Mitigation Board.
- In 2009, the Board expended \$145,000 of its \$150,000 budget to compensate the ranching community for losses.
- In 2008, the Board ran out of funds to pay all the 2008 death losses.
- All payments being made by the Board are going for death losses; no money is being spent for the loss prevention mission of the Board. This is a trend that is not projected to change in the near future.
- Further, compounding the problem for the ranching community is the fact that only one in eight wolf kills are' confirmed, thereby shifting the true cost of wolf management to the farming and ranching community.

THE SOLUTION:

- As Representative Clarke referenced in her opening, the purpose of today's bill is to bring attention to the fact that the Livestock Loss Reduction and Mitigation Board exists and to bring attention to the need to adequately fund the Board, so that it may carry out its mission.
- It is my hope that this Legislature will consider fully funding the Board's requested appropriation amount of \$300,000.
- The Wool Growers is working with the Appropriations Committee to make that happen.
- In the meantime, the Board needs revenue.
- If enacted, this legislation would provide the Board with an additional, constant, and reliable source of revenue.
- That is, it would raise roughly \$620,000 per fiscal year for the Board's activities.
- The amount of money generated by this bill would both (1) ensure that there is enough funding to pay all wolf loss claims, and (2) ensure that proactive non-lethal wolf management measures can be employed and utilized.
- Further, this bill helps take care of the problem that is coming for Montana in terms of financing wolf management.
- When the wolves are finally delisted, the State of Montana is going to have to make up for the funding being provided currently by the federal government for wolf management.
- As I stated earlier, Montana's wolf management plan notes that it is going to take about 1.2 million for the State of Montana to manage wolves once delisted.
- This bill provides almost half of the revenue needed to manage this species.
- Further, it needs to be noted that Defenders of Wildlife, a wolf advocacy group, promised to pay for wolf depredation losses until such time as wolves in Montana were delisted.

- As you may have read, the Defenders organization has stated it will no longer provide the money it promised for wolf management.
- Therefore, those who have advocated for the reintroduction of the wolf, and fighting to keep wolves on the endangered species list, have successfully shifted the cost of paying for these predators over to the hunters, ranchers, and other Montanans who opposed the reintroduction of the wolf in the first place.
- In light of this, MWGA hopes this Committee recognizes that bills, such as this, to raise wolf management revenue are necessary in light of the fact that responsibility for paying for wolf-related livestock losses and for wolf-livestock conflict management has now defaulted to the State of Montana.

DIVERSION:

- You are going to hear today from FWP officials that raising funds from license fees is a diversion of FWP revenue that is going to cost the state millions in federal funds.
- Setting aside the question of why the State of Montana continually allows the
 federal government to dictate state wildlife management policy, the question
 needs to be asked why the wolf management plan even calls for having a
 compensation program if it is not going to be funded.
- The question needs to be asked of FWP officials, do they recognize wolf compensation and wolf mitigation as part of wolf management activities in Montana or not.
- Further, they need to be asked whether the wolf is wildlife, and whether using license funds to manage wolves is going for livestock purposes?
- If they do not, the question needs to be asked why FWP does not support having these animals classified for what they are predators.
- It is my hope that this Legislature will see through the scare tactics used by the Department to ensure there is not proper oversight of FWP's funding sources, and proper direction of those funding sources by this Legislature.
- I know that FWP enjoys being, for the most part, outside of this Legislature's budget process, but coming in with fiscal scare tactics such as hanging a \$20 million fiscal note on this bill, which is designed to carry out the management plan adopted by FWP, is in no way helpful.
- In addition, I trust this Committee will ask FWP to provide it written proof that the federal government considers what this bill is trying to accomplish as a diversion of funds.
- Further, I trust this Committee will consider, and see the need for, funding all
 portions of Montana's wolf management plan.

CONCLUSION:

MWGA members understand wildlife plays an enriching role in our lives. But, we
also believe that every form of wildlife species, including the wolf, need to be
properly managed. That is why we believe that finding an adequate and continual

- source of funding for Montana's wolf management plan is in the best interests of the State of Montana.
- Further MWGA's membership recognizes that Montana's gray wolf population will be delisted at some future point in time.
- That is also why MWGA will continue to advocate bills such as this one that both seek to implement successfully all aspects of Montana's wolf management plan and seek to bring attention to the fact that Montana will, at some point in time, find sources of revenue to fund wolf management in Montana.
- On behalf of MWGA's membership, I respectfully request this Committee give this bill a 'do pass' and it to the House floor for full consideration.

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Questions as Livestock Losses Skyrocket

Posted by admin on December 22nd, 2010

By Myers Reece (mailto:mreece@flatheadbeacon.com) ,

12-22 10, Flathead Beacon

At the request of the Montana Cattlemen's Association, the USDA Wildlife Services bureau recently released statistics that show a huge increase in the number of livestock killed by all of Montana's major predators, from coyotes to black bears to wolves.

But the report has drawn skeptics, including a former Wildlife Services supervisor who says the numbers are misleading and come at a pivotal time in wolf politics, with several bills circulating in Congress to remove the animal's federal protections.

John Steuber, Montana's Wildlife Services director, blames wolves for the across-the-board depredation increases. His bureau investigates, documents and tries to prevent livestock attacks in Montana. He said wolves have hamstrung his agency by requiring too many resources and limiting what kinds of deterrents - such as a certain pesticide - can be used due to federal protections.

The result, Steuber said, is that predators other than wolves now have more opportunities at livestock, which he said is reflected in the report.

The report compares livestock depredations in 2006 to 2010, divided into categories of coyotes, wolves, grizzly bears, black bears, mountain lions, red foxes, ravens and eagles. Livestock animals are listed by type and quantity killed and injured. The findings are dramatic.

For example, the report states that coyotes killed 111 calves in 2006 and 1,348 in 2010, a 1,114 percent increase, based on the federal fiscal year between Oct. 1 and Sept. 30. Wolves killed 51 calves in 2006 and 454 this year, a 790 percent increase. Other figures, such as sheep kills by black bears and mountain lions, show similarly massive leaps.

LIVESTOCK FATALITIES BY PREDATOR

Covotes

Talves - 111 in 2006; 1,348 in 2010

M Adult Sheep - 135 in 2006; 422 in 2010

Wolves

Calves - 51 in 2006; 454 in 2010

M Adult Sheep - 22 in 2006; 728 in 2010

Grizzly Bears

■ Calves - 5 in 2006; 32 in 2010

M Adult Sheep - 2 in 2006; 29 in 2010

Black Bears

Calves - 8 in 2006; 32 in 2010

Adult Sheep - 43 in 2006: 106 in 2010

Source: USDA Wildlife Services

But what's not made clear is that only some of those are confirmed kills. Also included in the calculations are probable, possible and reported depredations. Carter Niemeyer, Montana's western supervisor for Wildlife Services from 1975-1990, said presenting the information in this manner is misleading.

Niemeyer also served as Wildlife Services' Montana wolf specialist for 10 years and later as the U.S. Fish and Wildlife Service's wolf recovery coordinator in Idaho.

Niemeyer said that only probable and confirmed kills should be considered. And even listing a depredation as probable, Niemeyer said, means "it probably was a predator." When Montana Fish, Wildlife and Parks publishes its annual report, it lists only confirmed wolf kills.

"Probable is foggy, but possible is pretty much unknown and reported doesn't really mean anything," Niemeyer said. "It's that confirmed one that's really the one of interest, the one that counts."

Most livestock deaths are due to natural causes, Niemeyer said. Once scavengers get a carcass, it becomes difficult to tell if the animal was killed by a predator first or died naturally first. Niemeyer doubted the 1,348 calf depredations by coyotes.

"I can't even imagine that," Niemeyer said. "My whole career with Wildlife Services it was pretty unusual to see calves killed by coyotes."

Steuber argued that, on the other hand, "to say that wolves killed only what you can find is pretty misleading too." Steuber said many depredations aren't reported or found. A small lamb killed by a wolf doesn't leave many remains behind, he said.

Steuber said he didn't have the breakdown of confirmed, probable, possible and reported. Completing the report in the first place, he said, was an unusual move, done at the request of the Montana Cattlemen's Association. The statistics for 2007-2009 weren't available either, he said.

"If you look at it objectively, then yeah, with probable or confirmed we know they are wolf kills; the other ones we don't know," Steuber said. "But you can look at it both ways with all of those other ones that aren't reported."

In regards to calves killed by coyotes, Steuber said there are 3 million cows in Montana, which means "there's a lot of calves that hit the ground in spring and they're very susceptible to coyotes." Furthermore, he trusts ranchers' reports.

"I'm not going to question what the producers are telling us," Steuber said. "I would tend to believe them."

George Edwards, Montana's livestock loss mitigation coordinator, also said the number of reported depredations is far less than the actual number. But when they are called in, Edwards believes Steuber's bureau gets them right.

"I do believe those USDA numbers," Edwards said.

After the Wildlife Services bureau conducts an investigation on a livestock death, a rancher can choose to file a claim with Edwards' board. Edwards said the WS agents conduct thorough necropsies that take into account the size of fang, hemorrhaging and other details.

"I liken it to a CSI show," Edwards said. "I have full faith in those guys."

Kim Baker, president of the Montana Cattlemen's Association, said the USDA report reflects what ranchers are seeing across the state. Baker requested the statistics from Steuber.

"A lot of our members are having a lot more issues with predators," Baker said.

Baker acknowledged the impact that factors such as sprawling human development may have on predator behavior, but she echoed Steuber in calling wolves the primary culprit. Ranchers, she said, "can't really trap anymore because of the wolves, since they're on the endangered species list, and we can't really snare them."

"There hasn't been a great rise in livestock, so there's not just more livestock out there for them," Baker said.

"And it's not like ranchers," she added, "have gotten lazier or less vigilant in watching over their livestock."

Steuber's agents set traps out in the field. But if there are wolves in the area, the traps must be checked daily, which he said limits how many can be set and hurts his agency's effectiveness.

"You can imagine if you're working on four or five or six different ranches, it's pretty hard to check those traps every day," Steuber said.

Defenders of Wildlife no longer provides compensation for livestock killed by wolves except in Oregon, according to Northern Rockies representative Suzanne Stone. Federal funds are available, but Oregon hasn't received any yet, she said.

Edwards said the Montana Livestock Loss Reduction and Mitigation Board used \$145,000 of its allotted \$150,000 in 2009. He said the board received \$140,000 more in federal funds in July and has \$89,000 left to last through next June. He's unsure about future funding.

"Right now it's a waiting game," Edwards said. "We hope that there's going to be some state funds available; in order to get federal funds I really have to have matching state funds."

Stone, from Defenders of Wildlife, believes progress is being made across the West in reducing conflicts between ranchers and wolves. Recent reports coming out of Idaho and Wyoming indicate a decline in wolf predation on livestock this year. Like Niemeyer, Stone questioned the methods used in compiling and presenting the USDA report.

"When they're done like that, those numbers are really unreliable," Stone said.

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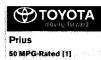
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Wolf attacks on Montana livestock spike, stirring backlash

January 15, 2010 | 4:20 pm



Gray wolves killed livestock in Montana at the rate of an animal per day in 2009, stirring a backlash against the predators in rural areas and depleting a program that compensates ranchers for their

The sharp increase over 2008 livestock losses, reported Thursday by state officials, was fueled largely by a wolf pack ravaging 148 sheep in southwestern Montana near Dillon in August.

"They are beautiful creatures, but they're also very deadly. They'll go out and hamstring a bunch of animals just for fun," said Barb Svenson of Reed Point, whose family ranch lost more than 30 sheep in attacks over the last two years.

"They're killing our income," she added.

Wolf attacks account for only a small fraction of sheep and cattle losses in the Northern Rockies. Disease, weather and coyotes each take more.

But wolves attract particular disdain because of their viciousness -- many killed animals are left uneaten -- and because of historic prohibitions against hunting the predators.

About 1,650 wolves roam the Northern Rockies, most of them descended from just 66 animals

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introduced to the region in the mid-1990s by the federal government.

Montana and Idaho launched inaugural wolf hunts in September, in part to put the fast-expanding population in check. The hunts came just six months after the U.S. Fish and Wildlife Service took wolves off the federal endangered species list.

It's uncertain if the hunts will be repeated in 2010. A pending lawsuit from environmentalists could put wolves back on the list by late spring or early summer, said attorney Bob Lane with Montana Fish

The suit is before U.S. District Judge Donald Molloy, who overturned the federal government's first attempt to strip protections for wolves in 2008. Legal arguments in the case are due by the end of the

If the environmentalists lose, Lane said his agency would likely increase Montana's wolf hunting quota. It was 75 wolves in 2009, although only 72 were taken.

Hunters in Idaho, where the season continues through March, so far have taken 142 wolves out of a 220-animal quota.

About 300 more wolves were killed by ranchers and wildlife agents in the Northern Rockies in response to livestock attacks and by other causes.

Wyoming's 300 wolves remain on the endangered list.

Meanwhile, 365 sheep, cattle, horses and dogs killed by wolves have been tallied in Montana for 2009, said George Edwards, coordinator of a Montana program to compensate ranchers who suffer losses.

That's up more than 50 percent from 2008.

The animals' owners have been paid \$139,000 for their losses, leaving only about \$25,000 remaining in the state's compensation fund. Legislation sponsored by U.S. Sen. Jon Tester, a Montana Democrat, could soon boost the fund with federal money.

State and federal officials estimate that only one in eight wolf kills are confirmed. For many of the rest, proof needed to justify compensation is never found. Many sheep and cattle grazing on public lands in wolf country simply go missing.

"We don't assume this is going to go down or get less expensive," said Elaine Allestad, who chairs Montana's Livestock Loss Reduction and Mitigation board. "We assume we are going to have more losses."

-- Associated Press

Photo: A North American gray wolf snoozes in the shade at the California Wolf Center in August 2004. Credit: Don Bartletti / Los Angeles Times

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EXCERPTS FROM MONTANA WOLF MANAGEMENT PLAN

Compensation

Montana recognizes that wolf population recovery and persistence will result in the loss of personal property or income due to wolf activity and depredation. Some producers are exposed to potential financial liabilities that did not exist prior to wolves. Many livestock producers operate on a narrow financial margin and even a single depredation event could have significant economic consequences. There are additional costs associated with 42 APPENDIX 1 safeguarding livestock against wolf depredation, such as extra people to supervise livestock, extra guarding animals, increased travel to check livestock more frequently, and veterinary expenses if livestock are injured. Some producers report decreased pregnancy rates in cows harassed by wolves. Sometimes producers report retrieving fewer head of livestock at the end of the grazing season, but cannot find evidence of a carcass. Even with a carcass, cause of death may still be unknown. Nonetheless, what remains clear is that livestock producers must reconsider certain management practices in the presence of wolves to proactively minimize the potential for wolf-livestock conflict.

Compensation programs typically are established for problems that developed recently, were exacerbated by governmental actions, or were caused by highly valued species (Wagner et al. 1997). Wolf presence in the northern Rockies touches on all three scenarios. Defenders of Wildlife, a non-profit wildlife advocacy organization, recognized the disparity of the costs and benefits for wolf restoration between the ranching community and those advocating wolf recovery. Their goal was to shift the economic liability away from ranchers and towards wolf advocates through a compensation program that reimbursed ranchers for losses from wolf depredation (Fischer 1989). The Wolf Compensation Fund was established in 1987 and paid a total of \$150,590 to ranchers in the tri-state area between 1987 and February 2001 (Defenders of Wildlife 2001). In some cases, veterinary bills for livestock injured by wolves were reimbursed. Funds from the Wolf Compensation Fund have also been used to purchase livestock feed, lease supplemental pasture, purchase additional guarding animals or fencing materials, and to cost-share other modifications to husbandry practices to proactively minimize the potential for future depredations. Compensation addresses one of the major concerns about wolf restoration and has helped to increase the tolerance for wolves. See Appendix 7 for additional data on compensation payments made by Defenders of Wildlife between 1987 and April 2001.

The State of Montana believes that compensation is critical to maintaining tolerance for wolves by livestock producers who are adversely affected by financial losses due to wolves. At this time, it is unclear whether Defenders of Wildlife will continue to offer compensation for losses when wolves transfer to state management jurisdiction. The State of Montana intends to find or create an entity to administer a compensation program if Defenders of Wildlife rescinds eligibility for Montana ranchers upon delisting. The entity or non-governmental organization would be independent of MFWP and MDOL to retain impartiality. Negotiations would take place directly with the producer. This approach is modeled after the existing arrangement with wolves under federal management. Presently, the Defenders of Wildlife compensation program representative negotiates directly and confidentially with the individual producer to determine compensation. This is independent from the USFWS management programs and decision-making about what happens to the offending animals. The USFWS supports the concept of compensation and believes that the existence of a private program has benefited wolf recovery (Bangs per. comm.) The existing model has emerged somewhat through trial and error and the circumstances of individual wolflivestock conflicts in the northern Rockies. It has also evolved since its inception. Wildlife damage compensation programs have great intuitive and theoretical appeal, and may be important tools in promoting wildlife conservation. Compensation programs may also have unintended consequences with long range implications. They are also costly, but there may be less costly ways of achieving the same ends.

A scientific evaluation of state government predator compensation programs in Idaho and Wyoming and of the Defenders of Wildlife programs in Montana, Idaho, and Wyoming for grizzly bears and wolves has recently gotten underway. A partnership among private citizens, non-governmental organizations, state and federal agencies, and academic institutions has formed. The objectives are to evaluate the effectiveness of these compensation programs, examine the role compensation programs play in predator conservation efforts within agricultural settings, determine how compensation programs can be structured and administered to meet the needs of livestock producers, and assess the impact that compensation programs have on public opinions and attitudes towards predator conservation and management. This effort is known as the Predator Compensation Research Study. A diversity of interests is represented on the advisory committee, including representatives of the funding organizations and livestock producers. The findings of this research effort will have important implications for the future wolf compensation program in Montana. A final report is anticipated in spring, 2003. With new information in hand, MFWP will be in a

funded program paid a total of \$150,000 for confirmed or highly probable wolf-caused livestock losses in Montana, Wyoming, and Idaho (Bangs and Shivik 2001). It is difficult to estimate the economic losses due to unconfirmed livestock losses or the indirect economic costs associated with wolf presence or depredation.

For hunting-related businesses such as outfitting, economic losses may be associated with decreased hunter opportunity or fewer recreational days afield, which ultimately may reduce hunter expenditures or participation rates. Ultimately hunter opportunity will probably fluctuate as predator and prey populations change through time. In northwestern Montana, prey populations declined in one hunting district on the western border of GNP after wolves established. This was due to the combination of predation by all carnivores in the area, intermittently low recruitment of fawns and calves, possible overharvest of antlerless elk, and natural mortality caused by severe winters (Kunkel et al. 1999, T. Thier pers. comm.). Similar decreases were observed in the elk population in the South Fork of the Flathead River, an area devoid of wolves during most of the same period (J. Vore pers. comm.). In that drainage, overharvest of antlerless elk was a contributing factor.

Although ecotourism is touted as a viable, sustainable way of generating economic activity through low-impact. use of natural resources, ecotourism has potentially negative consequences. Risks to resources include increased infrastructure development, habitat degradation, wildlife disturbance, increased demands, and an erroneous perception that ecotourism leads to long-term protection of environmental assets (Isaacs 2000).

The State of Montana must also secure adequate financial and personnel resources to implement a wolf conservation and management program. While many aspects of this program fall within existing duties and activities already carried out by MFWP, some components clearly add to existing responsibilities and workloads. Existing budget and personnel resources cannot absorb this expansion. Other state and federal agencies will be similarly affected. The responsibility to address the economic challenges of wolf conservation and management resides with all interests.

Montana Livestock Loss Reduction and Mitigation Program: a Montana-based Reimbursement Program

The Montana Wolf Conservation and Management Plan called for creation of a Montana-based program to address the economic impacts of verified wolf-caused livestock losses. The plan identified the need for an entity independent from MFWP to administer the program. The plan also identified that the reimbursement program would be funded through sources independent from MFWP's wolf management dollars and other MFWP funds intended for fish and wildlife management.

The creation of an adequately funded loss reduction and damage mitigation program will help determine the degree to which people will share the land with wolves, to which the success of wolf recovery can be assured into the future, and the degree to which individual livestock operators who are adversely affected economically by wolf recovery are able to remain viable. Maintaining private lands in agricultural production provides habitat for a wide variety of wildlife in Montana and is vital to wolf conservation in the long run.

In keeping with Montana's tradition of broad-based citizen participation in wolf conservation and management, a diverse, 30-member working group met 4 times in 2005. The working group was comprised of private citizens, representatives from non –governmental organizations, and representatives from state and federal agencies. A smaller subcommittee continued to meet in 2006. This group finalized a framework which then became the basis for legislation in the 2007 Montana Legislature.

As a part of the comprehensive wolf program implemented by MFWP and its cooperators, the Montana Livestock Loss Reduction and Mitigation Program (MLLRMP) addresses economic losses due to wolf predation and creates incentives for producers to take proactive, preventive steps to decrease the risk of loss. The large working group agreed that both government and livestock producers want to take reasonable and cost-effective measures to reduce losses, that it is not possible to prevent all losses, and that livestock producers should not incur disproportionate impacts as a result of recovery of Montana's wolf population.

There are three basic components: a loss reduction element, a loss mitigation element, and the state wolf management plan. MFWP and USDA WS would fulfill their responsibilities and roles outlined in the state management plan. The loss reduction and loss mitigation elements are administered by an independent quasi-judicial board that is administratively attached to the Montana Department of Livestock

Of particular concern to all participants was the need to secure funding for both the proactive work and the loss reimbursement components of the Montana wolf program. The working group explored a variety of funding mechanisms. Both the Montana Wolf Advisory Council and the second working group concluded that the MLLRMP would be funded through special state or federal appropriations or private donations. Both groups agreed that MFWP's wolf management dollars, and other MFWP funds (license revenue and federal matching Pittman-Robertson or Dingle Johnson dollars) would not be used to reimburse wolf-caused losses. Private donations will also be sought.

During the 2007 Montana Legislative session, a bill to establish the framework of the working group was introduced and passed (HB364). The legislation created the Livestock Loss Reduction and Mitigation Board to administer programs for the mitigation and reimbursement of livestock losses by wolves. It also established the quasi-judicial board, its purpose, membership, powers and duties, and reporting requirements. The Board is administratively attached to the Montana Department of Livestock, but its role and duties are wholly independent from the Department and the Montana Board of Livestock and vice versa. Late in 2007, the Governor appointed the first Board.

The purposes of the Montana Livestock Loss Reduction and Mitigation Program are to proactively apply prevention tools and incentives to decrease the risk of wolf-caused losses, minimize the number of livestock killed by wolves through proactive livestock management strategies, and provide financial reimbursements to producers for losses caused by wolves based on the program criteria.

The Loss Reduction element is intended to minimize losses proactively by reducing risk of loss through prevention tools such as night pens, guarding animals, or increasing human presence with range riders and herders. Active management of the wolf population by MFWP under the approved Montana Wolf Plan (and the applicable federal regulations for now) should also help decrease the risk of loss.

The Loss Mitigation element implements a reimbursement payment system for confirmed and probable losses that can be verified by USDA WS. Indirect losses and costs are not directly covered, but eventually could be addressed through application of a multiplier for confirmed losses and a system of bonus or incentive payments. Eligible livestock losses are cattle, calves, hogs, pigs, horses, mules, sheep, lambs, goats, llamas, and guarding animals. Confirmed and probable death losses are reimbursed at 100% of fair market value. Veterinary bills for injured livestock that are confirmed due to wolves may be covered at up to 100% of fair market value of the animal when funding becomes available.

The legislation also codified much of the actual draft framework in state law. It directed the Board to establish a program to cost-share with livestock producers who are interested in implementing measures to decrease the risk of wolf predation on livestock. It also directed the Board to establish and administer a program to reimburse livestock producers for losses caused by wolves. While some details of the grant program (loss reduction) and the reimbursement program (loss mitigation) are established in statute, the Board will still need to establish additional details through a rule-making process, which will include public comment

opportunities. Rulemaking is expected in 2009 2010 to finalize and establish other program implementation details in the Administrative Rules of Montana.

HB364 also established special state and federal revenue accounts, respectively. The funds may only be used to implement the loss reduction grants program and reimburse wolf-caused losses. HB 364 also established a trust fund with an intended principal of \$5 million dollars. The earned interest from the trust fund pays for the program. The Legislature did not appropriate dollars for either of the special revenue accounts or the trust fund.

Montana Livestock Loss Reduction and Mitigation Program: a Montana-based Reimbursement Program

The Montana Wolf Conservation and Management Plan called for creation of a Montana-based program to address the economic impacts of verified wolf-caused livestock losses. The plan identified the need for an entity independent from MFWP to administer the program. The plan also identified that the reimbursement program would be funded through sources independent from MFWP's wolf management dollars and other MFWP funds intended for fish and wildlife management.

The creation of an adequately funded loss reduction and damage mitigation program will help determine the degree to which people will share the land with wolves, to which the success of wolf recovery can be assured into the future, and the degree to which individual livestock operators who are adversely affected economically by wolf recovery are able to remain viable. Maintaining private lands in agricultural production provides habitat for a wide variety of wildlife in Montana and is vital to wolf conservation in the long run.

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By EVE BYRON

Independent Record

In a bold move against federal authority of gray wolves in Montana, Gov. Brian Schweitzer has called for entire packs to be killed in the Bitterroot Valley to protect the dwindling elk population there, and has directed Montana Fish, Wildlife and Parks to respond to any livestock depredation throughout Montana by removing whole packs that kill livestock.

In addition, Schweitzer told game wardens not to investigate or cite anyone in the northern tier of the state who kills or harasses a wolf attacking their livestock. In the southern half of the state, it's legal for cattle, sheep and other stock owners to shoot wolves harassing livestock.

In a letter sent to Secretary of Interior Ken Salazar on Wednesday, Schweitzer said he was "profoundly frustrated by the lack of any actual results that recognize Montana's rights and responsibilities to manage its wildlife."

"Montana has for years done everything that has been asked: adopting a model wolf management plan; enacting enabling legislation; and adopting the necessary implementing rules," Schweitzer wrote. "Our exemplary efforts have been ignored. I cannot continue to ignore the crying need for workable wolf management while Montana waits, and waits, and waits.

"Therefore, I am now going to take additional necessary steps to protect the interests of Montana's livestock producers and hunters to the extent that I can within my authorities as governor."

Schweitzer told the Independent Record that it wasn't any particular incident that prompted his decision; instead, it was the inactivity by Salazar's department and others during the past decade. He said the orders will be implemented immediately, and added that he doesn't believe he's defying federal protections for wolves under the Endangered Species Act. Culling the wolves will be done "to the extent allowed" by the act.

"There's been a lot of motion masquerading as action in Washington, D.C., and we simply need to take action in Montana," he said. "We are doing things within the laws, according to our attorneys."

Bob Lane, Montana Fish, Wildlife and Parks attorney, said the state would need USFWS' approval to cull the elk in the Bitterroot.

"(Schweitzer) was expressing frustation to alleviate concerns, but he can't (cull wolves) without the blessing of the Fish and Wildlife Service.

Mike Leahy, Rocky Mountain regional director for Defenders of Wildlife, isn't so sure about the legality. He believes the governor is making it easier for poachers, who could claim the wolves were killing livestock but in reality were just trying to remove wolves from the landscape.

"I appreciate the governor's frustration with the wolf issue, but I think he is doing long-term damage to his legacy as a wildlife manager by ... telling law enforcement to stand down, and being unnecessarily heavy-handed in eliminating entire wolf populations," Leahy said. "We're still reviewing whether he has the legal authority."

The U.S. Fish and Wildlife Service can continue to investigate wolf shootings and the federal government can prosecute cases where violations of the Endangered Species Act occur. An official with the U.S. Department of Interior wouldn't comment on whether the actions ordered by Schweitzer would constitute a violation of the act, but noted that the wolves still fall under its provisions.

"We appreciate the work of the senators and the governor of Montana for continuing to work with us on this important issue," said Kendra Burkoff, an Interior deputy communications director. "We agree there is an urgent need to find a commonsense solution. Wolves have reached their recovery goals and should be managed by states that have acceptable management programs.

"But the governor's letter is not the answer."

Michael Garrity, executive director of the Helena-based Alliance for the Wild Rockies — one of 13 groups that successfully sued the USFWS to return wolves to the list of endangered species — said Schweitzer could be putting a large portion of the state's wildlife funding at risk.

"FWP gets a significant share of their budget from federal excise taxes on many sporting goods," Garrity said. "If the state of Montana won't enforce federal laws, the federal government could decide to cut off this funding.

"What the governor is doing directly violates the Endangered Species Act, and he's violating the memorandum of understanding that Montana signed with the U.S. Fish and Wildlife Service. This is going to make it harder to delist wolves in the future, rather than easier."

Others praised the governor's actions. Kim Baker, president of the Montana Cattlemen's Association, was thrilled to hear about his instructions.

"Awesome. Perfect. Finally," Baker said from her ranch near Hot Springs, where they've lost at least six head of cattle to confirmed wolf depredation in the past few years, and are "missing" about a dozen more. "I think the governor of Montana has gone above and beyond, for the ranchers, the general public and the hunters, to make our state safe.

"For a brief time, we could shoot something that was harassing our livestock, and this is huge for us that we can do it again."

*Craig Sharpe, executive director of the Montana Wildlife Federation, also was pleased that something is being done to protect elk herds. People are getting whiplash watching wolves be listed, delisted, delisted, delisted and relisted through various court and governmental actions, and Sharpe said it's time to move forward in a definitive manner.

"I would say it's a good thing that he's taking action," Sharpe said. "The process is moving too slowly to bring it back to state management. Clearly, he's frustrated and he's trying to move forward.

"Whether it's legal or compromises the act or not is another matter."

Wolves were put on the federal endangered species list in 1974, having almost been wiped out in the northern Rockies by hunting, trapping and poisoning. Between natural migration from Canada and the reintroduction of the species in the mid 1990s near Yellowstone National Park, Montana, Idaho, Wyoming, Washington and Oregon now are home to about 1,700 gray wolves.

They were delisted in Montana and Idaho by both the Obama and Bush administrations, but returned to the list of protected species last August by a federal court judge, who ruled that they can't be considered recovered in the two states but not in Wyoming.

Montana continues to manage wolves under the agreement with the state, but Idaho has returned those duties — and associated costs — to the federal government. The two states also allowed wolves to be hunted in 2009, to try to keep the population from growing, but the hunts ended when the animals were relisted.

Numerous state and federal elected officials have proposed a variety of bills that would remove wolves from the list.

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